

Town Warrant
Commonwealth of Massachusetts
May 1, 2006

ESSEX, ss. To the Constables of the Town of Georgetown, in the County of Essex,

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the said Town, qualified to vote in the elections and in Town affairs, to meet at the Penn Brook School Gymnasium in said Town, on the 8th day of May, 2006 (Monday) to act on Article 1 of this warrant for which polls will be open from 8 o'clock A.M. until 8 o'clock P.M., and to meet at the Georgetown Middle/High School on the 1st day of May, 2006 (Monday) at 7 o'clock P.M. then and there to act on the remaining articles of this warrant:

Article 1: Annual Town Election

To vote by ballot for the following officers: one Selectman, one Assessor, two Library Trustees, one Light Commissioner, two School Committee members, and one Water Commissioner each for three years; one Planning Board Member and one member of the Georgetown Housing Authority each for five years; one Planning Board member for four years.

Article 2: Town Officers and Committee Reports

To hear and act on the reports of the Town Officers and Committees.

Article 3: General Operating Budget/Reserve Fund

To see if the Town will raise and appropriate, or appropriate by transfer from available funds, a sum of money to defray charges and expenses of the Town, including debt and interest and including support of the schools, to fix salaries of the several elected offices of the Town, as provided by section 108, Chapter 41, General Laws, as amended, and to provide for a reserve fund for the ensuing year, as set forth in the Finance and Advisory Board Proposed Budget and Town Meeting Warrant for the Fiscal Year beginning July 1, 2006, or take any other action in relation thereto.

Article 4: Stabilization Fund

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be added to the Stabilization Fund, or take any other action in relation thereto.

Article 5: Water Department Operating Budget

To see if the Town will appropriate the receipts and available funds of the Water Department Enterprise Fund for the operation of the Water Department under the direction of the Water Commissioners for the Fiscal Year beginning July 1, 2006, or take any other action in relation thereto.

Article 6: Municipal Light Department Continuation of Operation

To see if the Town will appropriate receipts of the Municipal Light Department for the operation of said Department under the direction and control of the Municipal Light Board, as defined in Section 34, Chapter 164, General Laws, for the Fiscal Year beginning July 1, 2006, or take any other action in relation thereto.

Article 7: Zoning Board of Appeals Revolving Fund

To see if the Town will vote to continue the Zoning Board of Appeals Revolving Fund as authorized by Chapter 44, Section 53E ½ of Massachusetts General Laws. This fund shall be funded by applicants' fees to be expended without further appropriation for the purpose of application review including, but not limited to review services, clerical, legal expenses, equipment and office supplies. The Zoning Board of Appeals may expend from this account an amount not to exceed \$ 20,000.00 for the Fiscal Year beginning July 1, 2006; or take any other action in relation thereto.

Article 8: Road Machinery Fund

To see if the Town will vote to continue the Road Machinery Fund as authorized by Chapter 44, Section 53E ½ of the Massachusetts General Laws. This fund shall be funded by payments for rental of Highway machinery and shall be expended without further notice for the purpose of purchasing highway equipment. The Highway Surveyor, with approval of the Board of Selectmen, may expend from this account an amount not to exceed \$ 10,000.00, or the balance in the account, whichever is lesser, for the Fiscal Year beginning July 1, 2006 or take any other action in relation thereto.

Article 9: Conservation Commission Revolving Fund for Camp Denison

To see if the Town will vote to continue a Conservation Commission Revolving Fund for Camp Denison as authorized by Chapter 44, Section 53E ½ of Massachusetts General Laws. This fund shall be funded by program fees, facility use charges and outside vendor charges to be expended without further appropriation for the purpose of maintaining the support of the land and facilities including, but not limited to utilities, seasonal staff, legal expenses, equipment and office supplies. The Conservation Commission may expend from this account an amount not to exceed \$ 5,000.00 for the Fiscal Year beginning July 1, 2006; or take any other action in relation thereto.

Article 10: Comcast, Local Access Programming

To see if the Town will vote to continue a Cable Television Revolving Fund as authorized by Chapter 44, Section 53E ½ of Massachusetts General Laws. This fund shall be funded by the Annual License Fee and the PEG Capital Funding (Section 7.4 of the contract) paid by Comcast to the Town to be expended without further appropriation for the purpose of Local Access Programming, including but not limited to, utilities, salaries, equipment, maintenance and office supplies. The Cable Advisory Committee, with the approval of the Board of Selectmen, may expend from this account an amount not to exceed \$60,000.00 for Fiscal Year beginning July 1, 2006; or take any other action in relation thereto.

Article 11: Chapter 90 Reimbursement, Transportation Bond

To see if the Town will appropriate the sum of \$177,161, or any other sum to be reimbursed by the Commonwealth of Massachusetts under the Transportation Bond issue, to be spent by the Highway Surveyor, with approval of the Board of Selectmen, under the provisions of Chapter 90 of the General Laws, or take any other action in relation thereto.

Article 12: Supplemental Budget (School Department)

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide an additional sum of \$381,167 to fund the Fiscal Year 2007 Georgetown School Budget, provided that the amount authorized herein shall be contingent upon the vote at the Town election to assess additional real estate and personal property taxes in accordance with the provisions of Proposition 2 ½, so called; or take any other action related thereto.

Article 13: Whittier School Budget Assessment

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$179,563 for the Town of Georgetown's share of the assessed budget for the Whittier Regional Vocational Technical High School for the fiscal year beginning on July 1, 2006, or take any other action related thereto.

Article 14: Request for Funds for the Georgetown Peabody Library (Citizens Petition)

To see if the Town will vote to raise and appropriate or transfer from available funds, or to borrow, or to otherwise provide an additional sum of \$147,575 to fund the construction and renovations of the Peabody Library as approved under Article 17 of the May 7, 2001 Annual Town Meeting, or take any other action in relation thereto.

Article 15: Reconstruction of Bailey Lane Bridge

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$250,000 for the reconstruction of the Bailey Lane Bridge over the Parker River, said expenditure to include all costs related to the reconstruction including, but not limited to associated engineering, construction, and paving; provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters of the Town of a Proposition 2 1/2, so-called, capital expenditure exclusion question, or take any other action related thereto.

Article 16: Highway, 1-Ton Dump Truck

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$55,000 for the purchase and equipment for a 1 (one) ton dump truck for the Highway Department, or take any other action related thereto.

Article 17: Police Department: Firearm Replacement

To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$16,200 for the purchase of twenty-four (24) handguns with associated gear, for the Police Department; or take any other action in relation thereto.

Article 18: Fire Department: Firefighting Hose Replacement

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$11,000 for the purchase of 2900 feet of firefighting hose and related equipment including all costs related thereto or take any other action related thereto.

Article 19: Town Hall Security System

To see if the Town will vote to raise and appropriate the sum of \$15,000 for the installation and upgrade of security systems at Town Hall, or take any other action related thereto.

Article 20: Community Preservation Historic Resources Category, “Historic Landscaping and ADA accessibility to Brocklebank Museum”

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, the amount of \$24,800.00 to be allocated to make the Brocklebank Museum handicapped accessible by installing a walkway and a new ramp to the entrance. This project would also include: outdoor lighting, a copy of the original Georgetown Fence that was once on the property, historically correct landscaping, and Handicapped Parking. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation Historic Reserve fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

Article 21: Community Preservation Historic Resources Category, “Preservation of Historical Artifacts, Documents and Records”

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, the amount of \$24,000.00 to be allocated to the Georgetown Historical Commission for the preservation of Georgetown's historical materials. These historical materials will be stored, curated, and a website(s) will be provided for research. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation Historic Reserve fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

Article 22: Community Preservation Historic Resources Category, “Union Cemetery Fence Project Due Diligence”

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, the amount of \$5,000.00 to be allocated to the Georgetown Historical Commission for the purpose of continuing to pursue the installation of the period-appropriate fence at Union Cemetery (previously approved by the voters at the 2004 ATM). This current appropriation includes costs associated with determining the lot lines of the property boundaries; costs

associated with the revival / reestablishment of the Union Cemetery Corporation; and current cost feasibility inquiries with respect to the delay of the implementation of the previously approved project. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation Historic Reserve fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

Article 23: Community Preservation Community Housing Category, “Roofs at Trestle Way”

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, the amount of \$24,000 to be allocated to provide funding to replace the roofs of the 29A and 29B buildings in the complex at Trestle Way, and further, to authorize the Board of Selectmen to enter into a grant agreement with the owner(s) of said buildings, on such terms and conditions as the Board of Selectmen deems appropriate, setting forth the conditions upon which such funds may be expended. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation Community Housing Reserve fund only after a vote by the Community Preservation Committee determining that it is unlikely that the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

Article 24: Community Preservation Open Space Category, “Pentucket Pond Fanwort Management”

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, the amount of \$36,000.00 to continue the effort to preserve Pentucket Pond by providing further funding for the management of Fanwort (Cabomba) in Pentucket Pond, in accordance with the Aquatic Plant Management Plan for Pentucket Pond recommended by the Pentucket Pond Committee, and the 2005 Partial Treatment Completion Report received by the Georgetown Conservation Commission, in order to preserve and protect the pond from injury or harm caused by this destructive invasive plant; or take any other action in relation thereto.

Article 25: Community Preservation General Budget

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2007 Community Preservation budget and to appropriate from the Community Preservation Fund a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2007; and further to reserve for future appropriation the following amounts as recommended by the Community Preservation Committee: a sum of money for the acquisition, creation and preservation of open space excluding land for recreational use, a sum of money for acquisition, preservation, restoration and rehabilitation of historic resources, and a sum of money for the creation, preservation and support of community housing, or take any other action in relation thereto.

Article 26: Community Preservation Recreational Land Use Category, “New Tennis Facility”

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, the amount of \$100,000 to be allocated for the creation of a new outdoor active recreational facility at the American Legion Park in Georgetown. This would involve renovating an old, unused, abandoned site, creating two new single tennis courts. This funding will be used to install an appropriate foundation for the new facility, including drainage improvements; landscaping of the peripheral area to accommodate for picnic tables; a bike rack; and other associated amenities. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

Article 27: Community Preservation Recreational Land Use Category, “Multi Use Recreational Facility Feasibility Study”

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, the amount of \$15,000.00 to be allocated to fund a feasibility and engineering study for a Multi-Use Recreational Facility that would be located at the upper fields of the Georgetown High School. The facility would consist of a proposed synthetic turf field surrounded by a six-lane track, three tennis courts, one basketball court and two new softball diamonds with a shared outfield. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

Article 28: Community Preservation Recreational Land Use Category, “Active Recreational Land Purchase”

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, the amount of Three hundred and Eighty Thousand (\$380,000.00) for the acquisition, appraisal, survey and legal costs associated with the negotiated purchase of a parcel of land of approximately 6.46+- acres located at 188 Andover Street, as described on Assessors Map 5A, Parcel 3 to be managed and controlled by the Parks and Recreation Commission of the Town of Georgetown. And further that the Board of Selectmen, Community Preservation Committee and the Parks and Recreation Commission be authorized to enter into all agreements and execute any and all instruments including the conveyance of a perpetual Conservation Restriction in accordance with M.G.L. Chapter 184 as required by Section 12(a) of Chapter 44B as amended, as may be necessary on behalf of the Town of Georgetown to affect said purchase, and to authorize the Board of Selectmen to convey said restriction. Said conservation restriction may be granted to any organization qualified and willing to hold such a restriction in accordance with M.G.L. c. 44B. Any

funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

Article 29: Regarding the establishment of a Department of Public Works (Citizen Petition)

To see if the Town will vote to petition the General Court for a special act to read as follows: AN ACT ESTABLISHING THE DEPARTMENT OF PUBLIC WORKS IN THE TOWN OF GEORGETOWN. Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding the provisions of G.L. C. 41, S. 1 or any other special or general law to the contrary, the Department of Public Works is hereby established in the Town of Georgetown. Said Department shall be under the direction of a full-time public works supervisor appointed annually by the Board of Selectmen.

SECTION 2. The Department of Public Works shall have all of the powers and duties presently vested in the office of the Highway Surveyor and Highway Department including duties covered within Chapter 134 of the Town Code and shall have charge of and responsibility for management of all public works operations of the town not assigned to other departments of the town, including but not limited to the following: public roadways, sidewalks, public parking lots; any town-owned cemetery, parks and playgrounds including playground construction and maintenance; tree and moth control; and buildings and grounds maintenance at all municipal buildings. The supervisor shall assist when necessary with the buildings and grounds maintenance at the Peabody Library and on the buildings and grounds of the School Department upon written agreement between the Library Trustees, School Committee and the Selectmen. The Board of Selectmen may make all policy decisions related to the Department of Public Works except as may be reserved to the Library Trustees and School Committee, respectively. Such policies may include accepting help with public grounds maintenance and landscaping as offered by volunteer community groups.

SECTION 3. The Selectmen shall appoint a public works supervisor, who shall recommend to the Selectmen all employees of the works department. The compensation of such employees shall be set in the same manner as for other employees of the town. The compensation of the public works supervisor shall be fixed by said board, subject to appropriations.

SECTION 4. The Public works supervisor shall supervise and direct the operations and employees of the works department. The supervisor shall be especially qualified by education, training, and experience to perform the duties of the office and shall have such other qualifications as the town may require from time to time provide. The supervisor need not be a resident of the town. He shall be a college graduate with an appropriate four-year engineering degree, or possess equal experience. Before entering upon the

duties of his office, he shall be sworn to the faithful and impartial performance thereof. While employed by the town, the public works supervisor shall hold no other elective or appointive office, nor engage in any other business or occupation, relating to public works unless approved in advance in writing by the Selectmen, and found acceptable under the state Ethics Commission rules and regulations. Nothing in this section shall prevent the public works supervisor from serving on special ad hoc committees in order to represent the works department.

SECTION 5. On the effective date of acceptance by voters to establish a works department, the town's elected position of Highway Surveyor shall be abolished, and the powers, duties, and responsibilities of that office shall be transferred to the public works supervisor. However, any incumbent Highway Surveyor serving at the time of acceptance by voters for establishing a works department shall continue to hold said office and to perform the duties thereof until the expiration of the term for which the said individual was elected or until the said individual vacates such office.

SECTION 6. No regular, permanent full time or part time employee shall forfeit rate of compensation, grade, step, or time of service on account of the establishment of the works department. Each such person shall be retained in a capacity as similar to the person's former capacity as is practical. No collective bargaining agreement, contract, or liability in force shall be affected by the establishment of the works department.

SECTION 7. The Selectmen shall initiate a recruitment and selection process for the position of public works supervisor who shall be responsible to said board. The Selectmen shall appoint a Public Works Department Screening Committee charged with recommending the appointment of the first supervisor. The committee shall establish detailed qualifications for the position of supervisor and seek candidates for the position through advertisements in professional journals and other recruitment sources. Within a reasonable period of time after its appointment, the committee shall report to the Selectmen and recommend candidates for consideration. No member of the Selectmen shall be eligible for appointment as supervisor of the works department. The supervisor shall have full authority to carry out the policies of the Selectmen, and shall be responsible for the efficient exercise and performance of the powers, rights and duties vested in said board.

SECTION 8. The supervisor of the works department shall appoint and may remove department employees as deemed necessary, with prior approval of the Selectmen. The supervisor shall keep full and complete records of the doings of the office; render to the Selectmen regular and full reports of all operations; and annually prepare a report for publication in the town report. He shall keep the Selectmen fully advised about the needs of the town within the scope of his duties. He shall annually furnish in writing to the Selectmen, no later than the first day of January of each year, detailed budget-request estimates in writing for the next fiscal year for the proper exercise and performance of all said powers, rights and duties. Each budget request shall be in such detail and in such format as may be required by the Selectmen and shall, unless Selectmen direct otherwise, be in such detail and in such format as may be suggested by the Finance Committee.

SECTION 9. The Board of Selectmen shall ensure that, within four weeks of the approval by voters of the 2006 Annual Town Meeting, a certified copy of the Annual Town Meeting vote certified by the Town Clerk is forwarded to the House of Representatives presented to the House by the state representatives who represent the Town of Georgetown. This act shall take effect upon its passage.

Article 30: Board of Health, Regional Mutual Aid Agreement

To see if the Town of Georgetown will, in accordance with G.L. c. 40, section 4A, authorize the Board of Selectmen, in consultation with the Board of Health, to enter into an intermunicipal agreement with one or more other governmental units to provide public health services which the Board of Health is authorized to perform, or take any other action relative thereto.

Article 31: Request from Verizon for Easement at Electric Substation

To see if the Town will vote to transfer the care, custody and control of a portion of the land owned by the Town described below from the Board of Selectmen to the Board of Selectmen for the purpose of conveying an easement to Verizon New England, Inc. (formerly known as New England Telephone and Telegraph Company) and further to authorize the Board of Selectmen to grant an easement to Verizon New England, Inc. in, across, along, upon and under a portion of the parcel identified as Lot 153, Map 6C on the Assessor's Map for the Town of Georgetown, for the purpose of installing, operating and maintaining underground electric cables and associated equipment, including the facilities required to interconnect the cables to the overhead electric lines, upon such terms and conditions as the Board of Selectmen shall determine to be appropriate, or take any other action relative thereto.

Article 32: Demolition Bylaw

To see if the Town will vote to amend Town of Georgetown By-Law No: ____ to add the following Section entitled "Demolition Delay Bylaw for Historically or Architecturally Significant Buildings" as follows:

Section 1. Intent and Purpose

Intent and purpose: The Demolition Delay bylaw is enacted for the purpose of preserving and protecting significant buildings within the Town of Georgetown. Such buildings reflect distinctive features of the architectural, cultural, economic, political or social history of the Town, and their preservation promotes the public welfare by making the Town a more attractive and desirable place to live and work.

The intent of the bylaw is to provide an opportunity to develop preservation solutions for significant, preferably preserved properties threatened with demolition. The bylaw is intended to encourage owners and townspeople to seek out persons who might be willing to purchase, preserve, rehabilitate or restore such buildings rather than demolish them, and to limit the detrimental effect of demolition on the historical architectural resources of the Town. To achieve these purposes, the Georgetown Historical Commission ("the Commission") is empowered to advise the Building Inspector with respect to the issuance of permits for demolition of significant buildings, and, where appropriate and consistent with the intent and purpose of this bylaw, to allow demolition under conditions designed to minimize the loss of distinctive features of significant buildings.

Section 2. Definitions

2.1 Building - A structure enclosed within exterior walls or firewalls, built, erected and framed of a combination of any materials to form a structure for the shelter of persons, animals or property.

2.2 Demolition - Any act of pulling down, destroying, removing, dismantling or razing 25% or more of a building, streetscape, monument, or neighborhood and commencing the work of total or partial destruction with the intent of completing the same.

2.3 Building Inspector - The administrative chief of the building department who is charged with the administration and enforcement of the State Building Code, 780 CMR, and is authorized to issue demolition permits.

2.4 Commission - The Georgetown Historical Commission.

2.5 Demolition Permit - The permit issued by the Building Inspector as required by the State Building Code for a demolition, substantial demolition or removal of a building.

2.6 Historically or Architecturally Significant Building - Any building, in whole or in part, which is at least 75 years old, or is of unknown age and:

- (a) is included in the Cultural Resources Inventory prepared by the Commission; or
- (b) has been determined by vote of the Commission to be a significant building after a finding by the Commission that the building meets one or more of the following three criteria:

i. Historical Importance. The building meets the criteria of historical importance if it:

- a. Has character, interest or value as part of the development, heritage or cultural characteristics of the town of Georgetown, the Commonwealth of Massachusetts or the nation, or;
- b. Is the site of an historic event, or;
- c. Is identified with a person or group of persons who has some influence on society, or;
- d. Exemplifies the cultural, political, economic, social or historic heritage of the community.

ii. Architectural Importance. The structure meets the criteria of architectural importance if it:

- a. Portrays the environment of a group of people in an era of history characterized by a distinctive architectural style, or;
- b. Embodies those distinguishing characteristics of an architectural type, or;
- c. Is the work of an architect, master builder or craftsman whose individual work has influenced the development of the Town, or;
- d. Contains elements of architectural design, detail, materials or craftsmanship, which represents a significant innovation.

iii. Geographic Importance. The structure meets the criteria of geographic importance if:

- a. The site is part of, or related to, a square, park, or other distinctive area, or;
- b. The structure, as to its unique location or its physical characteristics, represents an established and familiar visual feature of the neighborhood, village center, or the community as a whole

Section 3. Procedure

3.1 No permit for the demolition of a significant structure or part thereof shall be issued except as provided in this bylaw, as well as in conformity with the provisions of other laws and ordinances applicable to the demolition of buildings and the issuance of permits generally.

3.2 Application contents: Every application for a demolition shall be filed with the Building

Inspector and shall contain the following information: (i) the address of the building to be demolished, (ii) the owner's name, address and telephone number, (iii) a brief description of the type of building and the condition requiring issuance of the permit; (iv) date of building as established by the Board of Assessors, deed or documentation verifying year of construction, and (v) a copy of the proposed demolition plan; and (vi) a brief description of the proposed reuse, reconstruction or replacement on the premises upon which the building is located, or, if for a vacant lot use, a brief description of the vacant lot use detailing the plans to remove or fill any foundation or other subsurface structure, including sanitary septic system components, wells, and dry wells, and including proper regrading of the site.

3.3 Within seven (7) working days from receipt of any application for a demolition permit, the Building Inspector shall forward a copy to the Georgetown Historical Commission. No demolition permit shall be issued during this time.

3.4 Within ten (10) working days after receipt of the application for demolition permit by the Commission, the Commission or its designee shall make a Determination of Architectural and/or Historical Significance. Upon determination by the Commission that the building is not architecturally and/or historically significant, the Commission shall so notify the Building Inspector in writing. Upon receipt of such notification, or after the expiration of fifteen (15) working days from the date of submission to the Commission, if the Building Inspector has not received notification from the Commission, the Building Inspector may issue the demolition permit.

3.5 Upon determination by the Commission that the building is historically and/or architecturally significant, the Building Inspector and applicant shall be so notified in writing, and a demolition permit shall not be issued. The Commission shall hold a public hearing within thirty (30) days of the Determination of Significance to determine whether the building should be preferably preserved. Public notice of the time, place and purpose of the hearing shall be published by the Building Department at the expense of the applicant in a newspaper of general circulation in the Town not less than seven (7) days before the day of said hearing and shall be posted in a conspicuous place in the Town Hall for a period of not less than seven (7) days before the day of said hearing. Within fifteen (15) days of the close of the public hearing, the Historical Commission shall make one of the following determinations:

- (1) Preferably Preserved:
If the proposed demolition would be detrimental to the architectural, cultural, political, economic or social heritage or resources of the Town, then such building or structure shall be considered preferably preserved.
- (2) Not Preferably Preserved:
If the Commission finds that the building or structure is not preferably preserved, or where less than a complete demolition is being proposed, that the work to be done will not materially diminish its historical significance, the Inspector of Buildings may thereafter allow demolition in accordance with applicable law.

The failure of the Historical Commission to issue its written determination within fifteen (15) days after the close of the hearing shall be deemed to constitute a determination that the building or structure is not considered preferably preserved.

3.6 If after a public hearing the Commission determines that the significant building should not be preferably preserved, the Commission shall notify the Building Inspector, in writing within five (5) working days of its decision and the Building Inspector may issue a demolition permit upon receipt of the written decision.

3.7 If after a public hearing the Commission determines that the significant building should be preferably preserved, the Commission shall so notify the Building Inspector in writing within five (5) working days of its decision, and no demolition permit may be issued until six (6) months after the date of the determination by the Commission.

3.8 Notwithstanding anything contained in paragraph 3.7, the Building Inspector may issue a demolition permit for a preferably preserved building at any time after receipt of written advice from the Commission to the effect that either:

(i) the Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building, or

(ii) the Commission is satisfied that for at least six (6) months the owner has made continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate or restore the subject building, and that such efforts have been unsuccessful.

Section 4. Responsibility of Owners

Once a Significant Building is determined to be a preferably preserved building, the owner shall be responsible for properly securing the building, if vacant, to the satisfaction of the Building Inspector. Should the owner fail to so secure the building, a subsequent destruction of the building at any time during the six month demolition delay period, which destruction could have been prevented by the required security measures, shall be considered a demolition in violation of this bylaw.

Section 5. Emergency Demolition

Notwithstanding the above provisions, the Building Inspector may issue a demolition permit at any time in the event of imminent and substantial danger to the health or safety of the public due to deteriorating conditions. Prior to doing so, the Building Inspector shall inspect the building and document, in writing, the findings and reasons requiring an emergency demolition, a copy of which shall be forwarded immediately to the Commission. Before allowing emergency demolition, the Building Inspector shall make every effort to inform the Chairperson of the Commission of his intention to allow demolition before he issues a permit for emergency demolition.

No provision of this bylaw is intended to conflict with or abridge any obligations or rights conferred by Massachusetts General Laws, Chapter 143 regarding removal or demolition of dangerous or abandoned structures. In the event of a conflict, the applicable provisions of Chapter 143 shall control.

Section 6. Enforcement and Remedies

6.1 The Commission is authorized to adopt rules and regulations to carry out its duties and functions under this bylaw.

6.2 The Commission and/or the Building Inspector are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this bylaw or to prevent a threatened violation thereof.

6.3 No building permit shall be issued with respect to any premises upon which a significant building has been voluntarily demolished in violation of this bylaw for a period of two (2) years after the date of the completion of such demolition. As used herein, "premises" refers to the parcel of land upon which the demolished significant building was located and all adjoining parcels of land under common ownership or control.

6.4 Notwithstanding the foregoing, whenever the Commission shall, on its own initiative, or on application of the landowner, determine that earlier reconstruction, restoration or other remediation of any demolition in violation of this bylaw better serves the intent and purpose of this bylaw, it may, prior to the expiration of said period of two years, authorize issuance of a building permit, upon such conditions as the Commission deems necessary or appropriate to effectuate the purposes of this bylaw, and may so notify the Building Inspector pursuant to Section 3.8 of this bylaw.

Section 7. Severability

In case any section, paragraph or part of this bylaw be for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect.

Or take any action relative thereto.

Article 33: Planning Board, Zoning Bylaw Amendment

To see if the Town will vote to amend the Chapter 165 of the Zoning Bylaws, Special Permits, by deleting that portion of the text of Section 165-45(f), which currently provides:

“Notice of the public hearing shall be given by publication and posting and by first class mailings to “parties of interest” as defined in MGL C. 40A, Section 11.

And inserting in place thereof, the following:

“Notice of public hearing shall be given by the SPGA by publication and posting in accordance with G.L. c.40A, §11. The applicant shall give notice of such hearing by certified mail to all “parties of interest” as defined in G.L. c. 40A, Section 11. The applicant shall present to the Planning Board or its agent receipts of such certification and a certified abutters list prepared by the Board of Assessors pursuant to G. L. c.40A, §§9 and 11.”

Or take any other action relative thereto.

Article 34: Planning Board, Zoning Bylaw Amendment

To see if the Town will vote to amend the Zoning Bylaws, Chapter 165, Open Space Residential Developments, by deleting the text of Section 4, Pre-Application, which currently provides:

- a) Conference. The applicant is strongly encouraged to attend a pre-application conference at a regular business meeting of the Planning Board. If one is requested, the Planning Board shall invite a representative of the Conservation Commission, Board of Health, and the Open Space Committee. The purpose of a pre-application review is to minimize the applicant's costs of engineering and other technical experts, and to commence negotiations with the Planning Board at the earliest possible stage in the development. At the pre-application review, the applicant may outline the proposed OSRD, seek preliminary feedback from the Planning Board and/or its technical experts, and set a timetable for submittal of a formal application. At the consent of the applicant, and at the expense of the applicant, the Planning Board may engage technical experts to review the informal plans of the applicant and to facilitate submittal of a formal application for an OSRD special permit.
- b) The Planning Board may adopt rules and regulations relative to the size, form, number and contents of the plans to be submitted for a pre-application review.

And inserting in place thereof, the following:

- a) The applicant is strongly encouraged to meet with the Town Planner and Conservation Agent to seek preliminary feedback and set a timetable for submittal of an Open Space Concept Plan Special Permit to the Planning Board.

Or take any other action relative thereto.

Article 35: Planning Board, Zoning Bylaw Amendment

To see if the Town will vote to amend Section 165-7 of the Zoning Bylaws, Definitions, by inserting the following new definition:

Building Height - The vertical distance from the average undisturbed existing natural grade at the foundation of the building to the top of the roof ridge. The average undisturbed existing natural grade shall be established by averaging the grade at the four proposed primary building corners and its midpoints.

Or take any other action relative thereto.

Article 36: Planning Board, Zoning Bylaw Amendment

To see if the Town will vote to amend Chapter 165-106 of the Zoning Bylaws, Number of dwelling units per continuous buildable area, by deleting the current text:

“Maximum number of dwelling units per continuous buildable area (CBA): four per acre.”

And inserting in place thereof the following:

“Maximum number of dwelling units per continuous buildable area (CBA): no more than two times the number of units allowable under the underlying zoning process.”

And further, by amending Chapter 165-128, (reserved), by inserting:

Section 165-128 Housing Balance for Independent Senior Housing.

In order to ensure that the new residential development being granted special consideration under this bylaw will, at minimum, meet its own share of providing for the diversity and balance of housing in Georgetown, the percent of affordable housing units required under Section 165-71, Housing Balance, shall be no less than 25%.

Or take any action relative thereto.

Article 37: Planning Board, Zoning Bylaw Amendment

To see if the Town will vote to amend Chapter 165 of the Zoning Bylaws, by deleting the text of Section 165-83, Exterior Lighting, in its entirety, and inserting in place thereof the following:

165-83 M. EXTERIOR LIGHTING

1) Purpose. The purpose of this Section is to enhance public safety by providing for adequate and appropriate outdoor lighting, protect community character, promote energy conservation and protect against light trespass and glare.

2) Definitions. For the purposes of this Section, the following terms shall be defined as indicated below.

- a) Color Rendering Index (CRI) A measurement of the amount of color shift that objects undergo when lighted by a light source as compared with the color of those same objects when seen under a reference light source of comparable color temperature. CRI values generally range from 0 to 100, where 100 represents incandescent light.
- b) Fixture The assembly that houses a lamp or lamps, and which may include a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor, lens or diffuser lens.
- c) Glare Light emitted from a luminaire with intensity great enough to produce annoyance, discomfort or a reduction in a viewer's ability to see.
- d) Lamp The component of a luminaire that produces the actual light.
- e) Light Trespass the shining of direct light produced by a luminaire beyond the boundaries of the lot on which it is located.
- f) Lumen A measure of light energy generated by a light source. One foot candle is one lumen per square foot. For purposes of this Bylaw, the lumen output shall be the initial lumen output of a lamp, as rated by the manufacturer.
- g) Luminaire A complete lighting system, including a lamp or lamps and a fixture.

3) Applicability. Outdoor illumination by flood or spot luminaires rated at nine hundred(900) lumens or more (which is approximately equal to one 60-watt incandescent light bulb) or by any other luminaires rated at one thousand eight hundred (1800) lumens or more (which is approximately equal to one 120-watt incandescent light bulb) shall be subject to the provisions of this Section, with the following exceptions: emergency lighting; hazard warning; temporary decorative or holiday lighting; public roadway illumination or other lighting required by or installed by governmental agencies. It shall also not apply to any luminaire intended solely to illuminate any freestanding sign, flag or the walls of any building but such luminaire shall be shielded so that its direct light is confined to the surface of such sign, flag or building.

- a) The replacement of existing nonconforming lamps or fixtures with the same or lower output nonconforming lamps or fixtures is exempted from the application of this section.
- b) The Planning Board in performing review pursuant to Section 7.3, Environmental Impact and Design Review may determine that special circumstances of the site, context or design make an alternative lighting design at least equally effective in meeting the purposes of this Section and in such cases, may modify the requirements of this Section.

4) Exterior Lighting Plan. Applications subject to the provisions of Section 7.3, Environmental Impact and Design Review shall submit a lighting plan which shall include the following information, except to the extent waived by the Planning Board. All other lighting not subject to the provisions of said Section 7.3 does not require a lighting plan but shall meet the standards as set forth in this Section, unless as may otherwise be provided herein. The lighting plan shall include the following information:

- a) location, orientation and type of outdoor luminaire, including the height of the luminaire;
- b) luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles;
- c) type of lamp such as metal halide, compact fluorescent, high pressure sodium and its associated Color Rendering Index (CRI);
- d) photometric plan showing the intensity of illumination expressed in footcandles at ground level within the interior

of the property and at the property boundaries. The plan shall also include the following illumination information in a table format: Minimum; Maximum; Average; Average to Minimum and Maximum to Minimum; and

- e) evidence that any light trespass does not exceed the limitations set forth in Chart IV herein.

5) Flickering and Flashing Lights. No flickering or flashing lights shall be permitted. Processes, such as arc welding, which create light flashes shall be confined within buildings or shielded to prevent either direct glare or flashing.

6) Wall Mounted Fixtures. In Nonresidential Districts, a luminaire attached to the exterior of a building or structure for area lighting shall be mounted no higher than fifteen (15) feet above grade and shall be shielded to control glare.

7) Pole Mounted Fixtures. Pole mounted exterior lighting fixture types are defined and restricted as follows:

- a) Type A. No light cutoff.
- b) Type B. Luminaire shielded such that peak candlepower is at an angle of 75 degrees or less from straight down, and essentially no light is emitted above the horizontal.
- c) Type C. Luminaire shielded such that total cutoff is at less than 90 degrees from straight down, and no light source is in direct view of an observer five (5) feet above the ground at any point off the premises.

8) Pole Mounted Fixtures Height Limitation. Illustrations of pole mounted exterior lighting fixture types are shown in Chart I herein. Pole mounted fixtures shall not exceed the applicable pole mounted height limitation set forth in Chart II in any district. The Type A pole mounted exterior lighting fixture is prohibited in all Nonresidential Districts.

CHART I. ILLUSTRATIONS

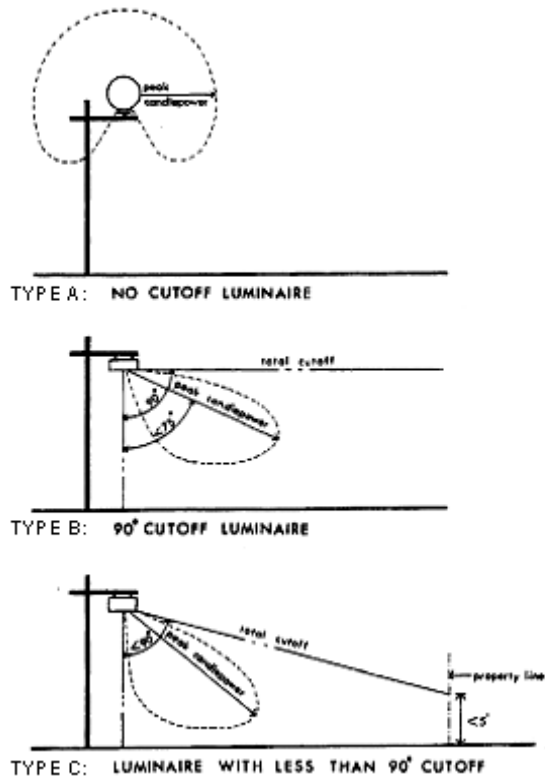


CHART II. POLE MOUNTING HEIGHT LIMITATIONS

	District	
	Residential	Nonresidential
	Maximum Luminaire Mounting Height (feet above grade) "District" is that in which fixtures are located.	
Fixture Type A	10	Not allowed
Fixture Type B	15	25
Fixture Type C	20	30

9) Ceiling Mounted Fixtures. In Nonresidential Districts, luminaires mounted on an exterior ceiling such as under a canopy shall be mounted with the refractor or lens flush with or recessed in the ceiling or fixture.

10) Lighting Levels. In Nonresidential Districts, exterior lighting shall not exceed the following levels on the ground set forth in Chart III herein:

CHART III. LIGHTING LEVELS (horizontal foot-candles)

	Minimum*	Average*	Maximum*
Driveways and Parking	0.5	5.0	10.0
Under Building or Canopy	1.0	25.0	40.0
All Other Nonresidential Areas	0.5	1.0	3.0

*Applicable to the entire lighted area

11) Light Trespass Limitations. Light trespass in excess of the applicable limitation set forth in Chart IV herein is prohibited in all Districts.

CHART IV. LIGHT TRESPASS LIMITATIONS

	District	
	Residential	Nonresidential
	Maximum Light Trespass (horizontal foot-candles)* “District” is that into which the light trespass occurs	
Fixture Type A	0.2	Not allowed
Fixture Type B	0.3	0.5
Fixture Type C	0.5	1.0

- Expect no limit within a street right-of-way

Or take any other action relative thereto.

Article 38: Planning Board, Zoning Bylaw Amendment

To see if the Town will vote to amend Chapter 165-83D of the Zoning Bylaws Amend, relative to verification of Site Plan Approval conditions, by deleting the text of Section 164-83D(6)(a)[2], which currently provides:

“The Building Inspector and/or Planning Board agent verifies that all conditions of the approved site plan have been met”

And inserting in place thereof the following:

“The Planning Board agent verifies that all conditions of the approved site plan have been met with notice to the Building Inspector.

Or take any other action relative thereto.

Article 39: Planning Board, Street Acceptance

To see if the Town will vote to accept as town ways, Acorn Way, Forest Street, Pillsbury Lane, Ilene Circle, and Bernay Way, as laid out by the Board of Selectmen and shown on the following layout plans on file with the Town Clerk:

Acorn Way, as shown on a plan entitled “As-Built Plan,” dated 1-10-06, prepared by Cyprus Engineering Environmental Services;

Forest Street, as shown on a plan entitled “Forest Street As-Built at The Village at Georgetown,” dated 12-21-05, prepared by Atlantic Engineering & Survey Consultants Inc.;

Pillsbury Lane, as shown on a plan entitled “As-Built Plan & Profile Pillsbury Lane,” dated 5-06-05, sheets 2 of 4 and 3 of 4, prepared by Hayes Engineering Inc.;

Ilene Circle, as shown on a plan entitled “As-Built Plan & Profile Ilene Circle,” dated 5-06-05, prepared by Hayes Engineering Inc; and

Bernay Way, as shown on a plan entitled “As-Built Plan & Profile Bernay Way,” dated 5-06-05, prepared by Hayes Engineering Inc.;

and to see if the Town will further vote to authorize the Board of Selectmen to acquire by gift permanent easements to use said roadways for all purposes for which public ways are used in the Town of Georgetown, and all associated easements; or to take any other action in relation thereto.

Article 40: National Avenue Proposed Rezoning (Citizen Petition)

To see if the Town will amend the Zoning Map by rezoning portions of three parcels of land by extending the Industrial B zone line for that portion of the parcels presently zoned Residential B to Industrial B from the present Industrial B zone line to the Georgetown/Rowley Town Boundary Lines, said parcels of land identified as “Remaining Land of Parcels Map 14 Lot 7, Map 15, Lot 14-8C and Lot 14-8D as shown on plan entitled “PLAN OF LAND IN THE TOWN OF GEORGETOWN dated March 14, 2006 and prepared by MHF Design Consultants, Inc., Salem, NH, a copy of said plan being on file in the office of the Town Clerk and the three parcels identified on Town of Georgetown Assessor’s Map 14 Lot 7, Map 15, Lot 14-8C and 14-8D or to take any other action in relation thereto.

Article 41: Water Use Restriction Bylaw (Citizen Petition)

To see if the Town will vote to adopt a WATER USE RESTRICTION BYLAW, as written:

Sec. 1 Authority: This Bylaw is adopted by the Town under its police powers to protect public health and welfare and its powers under M.G.L. c.40, section 21 et seq and implements the Town's authority to regulate water use pursuant to M.G.L. c.41, section 69B. This bylaw also implements the Town's authority under M.G.L. c.40, section

41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

Sec. 2 Purpose: The purpose of this bylaw is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the Department of Environmental Protection.

Sec. 3 Definitions:

Person shall mean any individual, corporation trust, partnership or association, or other entity.

Enforcing Person shall mean the Georgetown Water Department, the Conservation Commission Agent, the Board of Health Agent, police officers of the Town and any other person designated by the Board of Selectmen to enforce this by-law.

State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c.21G, section 15-17.

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Town pursuant to section 4 of this bylaw.

Water Users or Water Consumers shall mean all public and private users of the Town's public water system, and private well users, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

Sec. 4 Declaration of a State of Water Supply Conservation: The Town, through its Board of Selectmen, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers, and to protect the Parker River Watershed. Such declaration shall be based upon a streamflow threshold of 3.42 cfs or lower reading, for three (3) consecutive days, at the West Main Street flow gauge. Public notice of a State of Water Conservation shall be given under section 6 of this bylaw before it may be enforced.

Sec. 5 Restricted Water Uses: A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under section 6.

Odd/Even Day Outdoor Watering: Outdoor watering by water users with odd numbered addresses is restricted to odd numbered days. Outdoor watering by water users with even numbered addresses is restricted to even numbered days. Watering may occur only between the hours of 7PM and 7AM.

Outdoor Watering Ban: Outdoor watering is prohibited.

Outdoor Watering Hours: Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof. Watering may only occur between the hours of 7PM and 7AM.

Filling Swimming Pools: Filling of swimming pools is prohibited, except by commercial tankers utilizing water source outside of the Parker River Watershed.

Automatic Sprinkler Use: The use of automatic sprinkler systems is prohibited except where system has a backpressure valve and rainfall detector, and a timer to ensure use only within permitted watering hours.

Sec. 6 Public Notification of a State of Water Supply Conservation; Notification of DEP:

Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Any restriction imposed under section 5 shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

Sec. 7 Calendar Applicability: This By-Law is in effect from May 1st to September 30th each year. This period may be shortened or lengthened by a majority vote of the Board of Selectmen as they deem appropriate for protection of the town's water supply and the Parker River Watershed and compliance with Commonwealth regulations.

Sec. 8 State of Water Supply Emergency: Compliance with DEP orders: Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department intended to bring about an end to the State of Emergency.

Sec. 9 Penalties: Any person violating this bylaw shall be liable to the Town in the amount: First violation – Warning to resident and deliver a copy of the By-Law; Second violation – Fine of \$50; Third and subsequent violations – Fine of \$100. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with section 21D of chapter 40 of the general laws. Each day of violation shall constitute a separate offense.

Sec. 10 Severability: The invalidity of any portion or provision of this bylaw shall not invalidate any other portion of provision thereof

Article 42: Amendment to MGL Ch 59 s 5 (41C) (Citizen Petition)

To see if the Town will adopt the following resolution or will amend and adopt said resolution:

That in the event of one or more Proposition 2 ½ overrides totaling more than \$350,000.00 being approved by the Town before July 1, 2006, to accept the provisions of Chapter 184 Section 51 of the Acts of 2002, amending Massachusetts General Laws Chapter 59 Section 5 (41C) as provided therein concerning a tax exemption of \$500.00 for the elderly so as to increase the gross receipts limitations to \$20,000.00 for a single person and \$30,000.00 for married persons and so as to increase the whole estate limitations to \$40,000.00 for a single person and \$55,000.00 for married persons, and further to increase the amount of property tax exemption granted to persons who qualify for said exemption under said Section 5 (41C) to \$750.00, effective in the Fiscal year commencing July 1, 2006.

And you are directed to serve this Warrant by posting up attested copies thereof at the Perley School, Town Office, Post Office, Erie Engine House and Municipal Light Building.

Hereof fail not, and make due return of this Warrant, with your doings thereon to the Town Clerk, at the time and place of meeting, as aforesaid.

Given under our hands this _____ day of _____,
in the year of our Lord_____.

_____ Selectmen
of
Georgetown

(Warrant must be posted no later than April 13, 2006.)

ESSEX, ss.

Pursuant to the within Warrant, I have notified and warned the inhabitants of the Town of Georgetown by posting up attested copies of the same as within directed. Georgetown, Massachusetts. _____ day of _____,
_____ Constable of Georgetown

Warrant and return.

A true copy of the

Attest:

Town Clerk